

**REPORT OF THE AUDIT OF THE
FORMER MERCER COUNTY
SHERIFF'S SETTLEMENT - 2010 TAXES**

**For The Period
April 16, 2010 Through December 14, 2010**



**ADAM H. EDELEN
AUDITOR OF PUBLIC ACCOUNTS
www.auditor.ky.gov**

**209 ST. CLAIR STREET
FRANKFORT, KY 40601-1817
TELEPHONE (502) 564-5841
FACSIMILE (502) 564-2912**

EXECUTIVE SUMMARY

**AUDIT EXAMINATION OF THE
FORMER MERCER COUNTY
SHERIFF'S SETTLEMENT - 2010 TAXES**

**For The Period
April 16, 2010 Through December 14, 2010**

The Auditor of Public Accounts has completed the audit of the former Sheriff's Settlement - 2010 Taxes for the former Mercer County Sheriff for the period April 16, 2010 through December 14, 2010. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The former Sheriff collected taxes of \$9,542,261 for the districts for 2010 taxes, retaining commissions of \$302,099 to operate the former Sheriff's office. The former Sheriff distributed taxes of \$9,238,773 to the districts for 2010 taxes. Refunds of \$310 are due to the former Sheriff from the taxing districts.

Report Comment:

2010-01 The Former Sheriff's Office Lacked Adequate Segregation Of Duties Over Receipts And Disbursements

Deposits:

The former Sheriff's deposits were insured and collateralized by bank securities.

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ADAM H. EDELEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky
Honorable Steven L. Beshear, Governor
Lori H. Flanery, Secretary
Finance and Administration Cabinet
Honorable Milward Dedman, Mercer County Judge/Executive
Honorable Ernie Kelty, Mercer County Sheriff
Honorable Chris Kehrt, Former Mercer County Sheriff
Members of the Mercer County Fiscal Court

Independent Auditor's Report

We have audited the former Mercer County Sheriff's Settlement - 2010 Taxes for the period April 16, 2010 through December 14, 2010. This tax settlement is the responsibility of the former Mercer County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement in accordance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the former Mercer County Sheriff's taxes charged, credited, and paid for the period April 16, 2010 through December 14, 2010, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated November 15, 2011 on our consideration of the former Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



To the People of Kentucky

Honorable Steven L. Beshear, Governor

Lori H. Flanery, Secretary

Finance and Administration Cabinet

Honorable Milward Dedman, Mercer County Judge/Executive

Honorable Ernie Keltz, Mercer County Sheriff

Honorable Chris Kehrt, Former Mercer County Sheriff

Members of the Mercer County Fiscal Court

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

2010-01 The Former Sheriff's Office Lacked Adequate Segregation Of Duties Over Receipts And Disbursements

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Adam H. Edelen', written in a cursive style.

Adam H. Edelen
Auditor of Public Accounts

November 15, 2011

MERCER COUNTY
CHRIS KEHRT, FORMER SHERIFF
SHERIFF'S SETTLEMENT - 2010 TAXES

For The Period April 16, 2010 Through December 14, 2010

| <u>Charges</u> | <u>County Taxes</u> | <u>Special Taxing Districts</u> | <u>School Taxes</u> | <u>State Taxes</u> |
|-----------------------------------------|---------------------|-------------------------------------|---------------------|--------------------|
| Real Estate | \$ 961,167 | \$ 2,417,158 | \$ 5,522,727 | \$ 1,412,800 |
| Tangible Personal Property | 85,869 | 266,397 | 510,640 | 533,473 |
| Increases Through Exonerations | 1,350 | 3,499 | 5,898 | 1,339 |
| Franchise Taxes | 74,100 | 242,975 | 373,665 | |
| Additional Billings | | | | 605 |
| Limestone, Sand and Mineral Reserves | 132 | 369 | 917 | 194 |
| Bank Franchises | 73,442 | | | |
| Penalties | 8 | 18 | 59 | 12 |
| Adjusted to Sheriff's Receipt | 4 | 88 | (1) | 1 |
| Gross Chargeable to Sheriff | <u>1,196,072</u> | <u>2,930,504</u> | <u>6,413,905</u> | <u>1,948,424</u> |
| <u>Credits</u> | | | | |
| Exonerations | 2,215 | 5,690 | 11,045 | 3,288 |
| Discounts | 17,316 | 41,087 | 92,212 | 31,316 |
| Delinquents: | | | | |
| Bank Shares | 7,812 | | | |
| Franchise Taxes | 59,969 | 192,508 | 286,223 | |
| To Incoming Sheriff | 200,893 | 509,869 | 1,175,179 | 310,022 |
| Total Credits | <u>288,205</u> | <u>749,154</u> | <u>1,564,659</u> | <u>344,626</u> |
| Taxes Collected | 907,867 | 2,181,350 | 4,849,246 | 1,603,798 |
| Less: Commissions * | <u>38,584</u> | <u>81,396</u> | <u>113,957</u> | <u>68,162</u> |
| Taxes Due | 869,283 | 2,099,954 | 4,735,289 | 1,535,636 |
| Taxes Paid | 869,149 | 2,099,602 | 4,734,360 | 1,535,662 |
| Refunds (Current and Prior Year) | <u>141</u> | <u>365</u> | <u>982</u> | <u>211</u> |
| (Refunds Due Sheriff) | | ** | | |
| as of Completion of Audit | <u>\$ (7)</u> | <u>\$ (13)</u> | <u>\$ (53)</u> | <u>\$ (237)</u> |

* and ** See Next Page.

The accompanying notes are an integral part of this financial statement.

MERCER COUNTY
CHRIS KEHRT, FORMER SHERIFF
SHERIFF'S SETTLEMENT - 2010 TAXES
For The Period April 16, 2010 Through December 14, 2010
(Continued)

* Commissions:

| | | |
|----------|----|-----------|
| 4.25% on | \$ | 4,344,983 |
| 2.35% on | \$ | 4,849,246 |
| 1% on | \$ | 348,032 |

** Special Taxing Districts:

| | | |
|-----------------------|----|--------------------|
| Library District | \$ | (7) |
| Health District | | (4) |
| Extension District | | <u>(2)</u> |
| (Refunds Due Sheriff) | \$ | <u><u>(13)</u></u> |

MERCER COUNTY
NOTES TO FINANCIAL STATEMENT

December 14, 2010

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The former Mercer County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1) (d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

MERCER COUNTY
 NOTES TO FINANCIAL STATEMENT
 December 14, 2010
 (Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The former Mercer County Sheriff did not have a deposit policy for custodial credit risk but rather followed the requirements of KRS 41.240(4). As of December 14, 2010, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

The real and personal property tax assessments were levied as of January 1, 2010. Property taxes were billed to finance governmental services for the year ended June 30, 2011. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 30, 2010 through December 14, 2010.

Note 4. Interest Income

The former Mercer County Sheriff earned \$2,372 as interest income on 2010 taxes. The former Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder was used to operate the former Sheriff's office. As of November 15, 2011, the former Sheriff owed \$85 in interest to the school district and \$110 in interest to his fee account.

Note 5. Unrefundable Duplicate Payments And Unexplained Receipts

The former Sheriff deposited unrefundable duplicate payments and unexplained receipts in interest-bearing accounts. The former Sheriff's escrowed amounts were as follows:

| | |
|------|---------|
| 2007 | \$711 |
| 2008 | \$660 |
| 2009 | \$3,058 |

KRS 393.090 states that after three years, if the funds have not been claimed, they are presumed abandoned and abandoned funds are required to be sent to the Kentucky State Treasurer by KRS 393.110. These accounts were subsequently turned over to the incoming Sheriff.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



ADAM H. EDELEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Milward Dedman, Mercer County Judge/Executive
Honorable Ernie Kelty, Mercer County Sheriff
Honorable Chris Kehrt, Former Mercer County Sheriff
Members of the Mercer County Fiscal Court

**Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards**

We have audited the former Mercer County Sheriff's Settlement - 2010 Taxes for the period April 16, 2010 through December 14, 2010, and have issued our report thereon dated November 15, 2011. The former Sheriff prepared his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

Management of the former Mercer County Sheriff's office is responsible for establishing and maintaining effective internal control over financial reporting. In planning and performing our audit, we considered the former Mercer County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the former Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the former Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses and therefore, there can be no assurance that all deficiencies, significant deficiencies, or material weaknesses have been identified. However, as described in the accompanying comment and recommendation, we identified a certain deficiency in internal control over financial reporting that we consider to be a material weakness.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying comment and recommendation as item 2010-01 to be a material weakness.



Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the former Mercer County Sheriff's Settlement - 2010 Taxes for the period April 16, 2010 through December 14, 2010, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the Mercer County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Adam H. Edelen', with a long horizontal flourish extending to the right.

Adam H. Edelen
Auditor of Public Accounts

November 15, 2011

COMMENT AND RECOMMENDATION

MERCER COUNTY
CHRIS KEHRT, FORMER SHERIFF
COMMENT AND RECOMMENDATION

For The Period April 16, 2010 Through December 14, 2010

INTERNAL CONTROL - MATERIAL WEAKNESS:

2010-01 The Former Sheriff's Office Lacked Adequate Segregation Of Duties Over Receipts And Disbursements

Segregation of duties over receipts and disbursements is essential for providing protection to employees in the normal course of performing their duties and can also help prevent inaccurate financial reporting and/or misappropriation of assets.

A lack of segregation of duties existed over the receipt and disbursement functions of the former Sheriff's office because the bookkeeper posted receipts to the ledger, prepared the daily deposit, and reconciled the bank account. She also was responsible for the preparation of the monthly reports and issuance of monthly tax distribution checks to each taxing district.

To adequately protect employees in the normal course of performing their duties, and/or prevent inaccurate financial reporting or misappropriation of assets, the former Sheriff should have separated the duties involving the deposit and disbursement of cash, preparation of monthly reports, and reconciliation of the bank statement among the three office deputy clerks. Additionally, the former Sheriff should have provided oversight, including initialing source documents as evidence of his review.

Former Sheriff's Response: No response.

